

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James River Insurance Company,

Plaintiff

v.

Cory J Hilton, et al.,

Defendants

Case No. 2:20-cv-00687-CDS-MDC

**Order Dismissing Claims Against Brian
Gotti, Withdrawing Motion to Dismiss,
Vacating Trial Dates**

[ECF Nos. 82, 87]

Plaintiff James River Insurance Company and defendants Cory J Hilton, Law Offices of Cory J. Hilton, Mountain Vista Law Group, LLC, and Brian Gotti agree to withdraw claims against defendant Gotti as detailed in their joint stipulation to dismiss the complaint as it relates to Gotti. ECF No. 87. James River also seeks to withdraw its motion to dismiss (ECF No. 82). *Id.*

Under Rule 41, a plaintiff may dismiss an action by filing “a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). “Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). Once the stipulation is properly filed, no order of the court is necessary to effectuate dismissal. Because the parties have filed a stipulation of dismissal of the claims against defendant Brian Gotti that is signed by the remaining parties, Gotti is terminated from this case.

Conclusion

It is therefore ordered that James River’s request to withdraw its motion to dismiss [ECF No. 82] is **GRANTED**.

It is further ordered that the April 11, 2024 calendar call and April 29, 2024 trial date are vacated.

1 It is further ordered that the proposed judgment as to defendant Tomiko Barnes must be
2 submitted to the court by May 10, 2024.

3 Dated: April 10, 2024

4
5 
6 Cristina D. Silva
United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26